

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

LARRY PIATEK,

Plaintiff,

Case No. 05-C-1277

v.

MATTHEW FRANK, STEVE CASPERSON,
PHIL KINGSTON, MARC CLEMENTS,
and STEVEN SCHUELER,

Defendants.

OPINION AND ORDER

Larry Piatek, a prisoner in state custody, asks the court to allow him to proceed on his challenge to prison conditions without prepayment of fees. See 28 U.S.C. § 1915. Having examined his affidavit of indigency, the court finds that he recently received a settlement of \$7,675.00 in one of his numerous cases he has filed in this district. he says that he spent \$2500 and, therefore, cannot pay the filing fee.

The court finds that he has sufficient funds to pay the fee. Therefore, the court ORDERS that his "Application to Proceed Without Prepayment of Fees" (filed December 9, 2005) IS DENIED.

IT IS FURTHER ORDERED that, unless the Plaintiff tenders the full filing fee to the Clerk of Court on or before December 30, 2005, this action will be dismissed.

Done and Ordered in Chambers at the United States Courthouse,
Milwaukee, Wisconsin, this 13th day of December, 2005.

s/ Thomas J. Curran
Thomas J. Curran
United States District Judge